

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

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| <p>STATE OF ARIZONA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">-VS-</p> <p>STEVEN DEMOCKER,</p> <p style="text-align: right;">Defendant.</p> | <p>Case No. P1300CR201001325</p> <p>RULING RE: REQUEST FOR ACCESS</p> | <p style="text-align: center;">FILED</p> <p>DATE: <u>3/25/11</u></p> <p><u>10:15</u> O'Clock <u>A</u>.M. ✓</p> <p style="text-align: center;">JEANNE HICKS, CLERK</p> <p>BY: <u><i>Haun Wickes</i></u> Deputy</p> |
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| <p>HONORABLE DAVID L. MACKEY</p> <p>DIVISION 1</p> | <p>BY: Cheryl Wagster Judicial Assistant</p> <p>DATE: March 25, 2011</p> |
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The Court has considered the Defendant's Request For Access To The Clerk's "OnBase" Program. Since the request addresses issues raised by this Court's March 16, 2011 Ruling, this Court will address the issues raised.

The Court's March 16, 2011 Ruling gave Defense Counsel "twenty (20) days from this Ruling, exclusive of Saturdays, Sundays and legal holidays, to provide the Presiding Judge with a request for further redaction" of the reports provided to Defense Counsel. That is a limitation only on the request for further redaction of the reports. The Court's Ruling did not limit the scope of the investigation Defense Counsel may need to undertake to investigate the impact of the matters set forth in the Court's Ruling upon the Defendant's ability to receive a fair trial. The Court cannot fathom how viewing the Clerk's OnBase program immediately is needed to review the current reports to determine whether there are any words in those reports that Defense Counsel believes should not be there. Access to an "OnBase" system to see what the view of the State was at a certain date and time can await another day.

IT IS ORDERED the Defendant's Request For Access To The Clerk's "OnBase" Program is **DENIED** without prejudice to renew after Defense Counsel have completed the initial task assigned by this Court, i.e. review the written reports for redaction.

IT IS FURTHER ORDERED the request for an extension of time to request further redaction of the reports is **DENIED** and the Court's Ruling of March 16, 2011 on that issue is confirmed. In the event the Presiding Judge does not receive a further redaction request within the time set forth in that Ruling, the Presiding Judge will proceed with the release of the reports.

cc: (c) Honorable Warren R. Darrow – Division Pro Tem B
(c) Joseph C. Butner – Deputy Yavapai County Attorney
(c) Jeffrey Paupore – Deputy Yavapai County Attorney
(c) Craig Williams – DeRienzo and Williams, 3681 N. Robert Road, Prescott Valley, AZ 86314
Greg Parzych – 222 N. Central Avenue, Phoenix, AZ 85004
(c) Chris Moeser – Steptoe & Johnson, 201 E. Washington Street, Suite 1600, Phoenix, AZ 85004
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(c) Yavapai County Attorney Sheila Polk
(c) Yavapai County Public Defender Dean Trebesch